

INTERNATIONAL CIVIL SOCIETY STATEMENT IN SUPPORT OF THE BRAZILIAN “MARCO CIVIL DA INTERNET”

The Brazilian Civil Rights Framework for the Internet, so called *Marco Civil da Internet no Brasil*, can be quoted as one of the most important and advanced legal proposals worldwide willing to establish Internet rights and principles. Its importance is reflected both in the process and content. The drafting of the bill has based on an unprecedented process of social participation, a collaborative online/offline consultation process in which a wide range of actors from Brazilian society could identify together the rights and responsibilities that should guide uses of the Internet in the country. All suggestions received were considered and served as input or issue for debate to draft the current **Bill 2.126/2011**, a contemporary, balanced and essential text for addressing Internet rights in the country.

A “Constitution” for Internet in Brazil

The bill is now pending for approval at National Congress and accomplishes a task established since 2009: to ensure fundamental rights related to Internet usages. Thus, Marco Civil establishes the legal framework for rights and responsibilities of all stakeholders in the web, including Government. It also sets fundamental principles, values and guarantees in a way it was been called the “Constitution” for Internet in Brazil.

A Free, democratic and inclusive Internet

Marco Civil preserves the Internet as it should be: an open and decentralized network, in which users are the very engine for collaboration and innovation. Its main goal is to establish the democratic basis for addressing questions about usages of Internet in the country, combining freedom, inclusion and creativity. Therefore, the bill has among its foundations the guarantee of human rights, of citizenship and the preservation of the diversity and the social purpose of the web.

Freedom of expression

Freedom of expression is essential for the democratic usage of the Internet. Thus, Marco Civil guarantees freedom of expression as one of its fundamental principles. It also recognizes the Internet as an essential tool for the right to communicate. It stimulates the production and dissemination of ideas and opinions over the network, contributing significantly for improving access to information.

Privacy and personal data protection

Marco Civil also takes the first steps to address questions of privacy and protection of personal data, until now a serious gap in the Brazilian legal framework. It sets provisions protecting intimacy and private life, fundamental rights with potential to be affected everyday by technology. If approved, personal data is no longer to be used without the consent of their owners. Furthermore, it guarantees the confidentiality of virtual communications, while the State maintains the ability to perform administrative, criminal and procedurally. It also sets a maximum period for data retention

and such data may only be made available by court order.

Net Neutrality

Marco Civil prohibits discrimination of the Internet traffic, in guarantee of the principle of net neutrality. As such, a company won't be able to reduce the quality of the connection due to user navigation habits, nor to charge more for providing the same unrestricted access that we have today. The rule is that everyone must be treated equally, with no privileges to those who can pay more. Even with technical details to be regulated later, neutrality arises in the Marco Civil as a principle ready to be enforcement, which will enable expansion of services, healthy competition between providers and equality on browsing the web.

Intermediary Liability

Marco Civil establishes a fair and democratic dynamic for the publication and removal of content on the web. The general rule is that Internet service providers will only be obliged to remove content under court order. Once approved, this law will prevent nontransparent private censorship by partially dismissing to possibility of companies to be held liable on common cases of conflict over photos, videos or texts. Thus, it defines in a very lucid and balanced set of provisions about liability of Internet intermediaries, respecting freedom of expression and the right to information.

Access to public information, transparency and social participation

In full dialog with the Access to Information Act, another recent achievement of Brazilian society, Marco Civil fosters the publicity and dissemination of public data and information; the adoption of free and open technologies, formats and standards on public platforms; and promotes greater efficiency in electronic government. It also determines that the State should establish transparent, collaborative and democratic mechanisms for Internet governance in the country.

For all these reasons, civil society organizations, movements, collective groups, and academics have signed this letter expressing their support to the current text of Marco Civil da Internet, highlighting the quality of both the public debate held on and the comprehensive final report that explains and analyzes in detail the proposed solutions.

We believe that Marco Civil will be a paradigmatic legislative framework, essential for the democratic regulation of the web in Brazil, and also a positive example for thinking Internet regulation worldwide. Therefore, we ask for immediate approval of the Marco Civil. Only with its approval, it will be possible to fully develop the human, social, economic, technological and cultural potential of the Internet in Brazil.

August, 7th, 2012.